

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the

Middle District of Pennsylvania

Division

Case No.

(to be filled in by the Clerk's Office)

Anthony Johnson

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Ellen Mace-Liebson; Richard Andruezzi;
David Steffan; Scott Finley; Joseph
Rush; Douglas McClintock

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

FILED
SCRANTON

JUL 21 2020

Per

DEPUTY CLERK

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>ANTHONY JOHNSON</u>		
All other names by which you have been known:	<u>NONE</u>		
ID Number	<u>30077-068</u>		
Current Institution	<u>UNITED STATES PENITENTIARY - CANAAN</u>		
Address	<u>POST OFFICE BOX 300</u>		
	<u>WAYMART</u>	<u>PA</u>	<u>18472</u>
	City	State	Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	<u>ELLEN MACE-LIEBSON</u>		
Job or Title (<i>if known</i>)	<u>DOCTOR (DR.)</u>		
Shield Number	<u>UNKNOWN</u>		
Employer	<u>FCI-SCHUYLKILL, FEDERAL BUREAU OF PRISONS</u>		
Address	<u>INTERSTATE 81 & 901 W.</u>		
	<u>MINERSVILLE</u>	<u>PA</u>	<u>17954</u>
	City	State	Zip Code

Individual capacity Official capacity

Defendant No. 2

Name	<u>RICHARD ANDRUEZZI</u>		
Job or Title (<i>if known</i>)	<u>PHYSICIAN ASSISTANT (PA)</u>		
Shield Number	<u>UNKNOWN</u>		
Employer	<u>FCI-SCHUYLKILL, FEDERAL BUREAU OF PRISONS</u>		
Address	<u>INTERSTATE 81 & 901 W.</u>		
	<u>MINERSVILLE</u>	<u>PA</u>	<u>17954</u>
	City	State	Zip Code

Individual capacity Official capacity

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Defendant No. 3

Name	<u>DAVID STEFFAN</u>		
Job or Title (<i>if known</i>)	<u>DOCTOR (DR.)</u>		
Shield Number	<u>UNKNOWN</u>		
Employer	<u>FCI-SCHUYLKILL, FEDERAL BUREAU OF PRISONS</u>		
Address	<u>INTERSTATE 81 & 901 W.</u>		
	<u>MINERSVILLE</u>	<u>PA</u>	<u>17954</u>
	City	State	Zip Code

Individual capacity Official capacity

Defendant No. 4

Name	<u>SCOTT FINLEY</u>		
Job or Title (<i>if known</i>)	<u>WARDEN</u>		
Shield Number	<u>UNKNOWN</u>		
Employer	<u>FCI-SCHUYLKILL, FEDERAL BUREAU OF PRISONS</u>		
Address	<u>INTERSTATE 81 & 901 W.</u>		
	<u>MINERSVILLE</u>	<u>PA</u>	<u>17954</u>
	City	State	Zip Code

Individual capacity Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

- Federal officials (a *Bivens* claim)
 State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

1. FIRST AMENDMENT, UNITED STATES CONSTITUTION
2. EIGHTH AMENDMENT, UNITED STATES CONSTITUTION

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- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
-

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- Pretrial detainee
 Civilly committed detainee
 Immigration detainee
 Convicted and sentenced state prisoner
 Convicted and sentenced federal prisoner
 Other (*explain*)
-

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.
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- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

FEDERAL CORRECTIONAL INSTITUTION-SCHUYLKILL

DATES EVENTS TRANSPRIRED : JANUARY 14, 2019 — OCTOBER 3, 2019

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C. What date and approximate time did the events giving rise to your claim(s) occur?

JANUARY 14, 2019 – OCTOBER 3, 2019 (SEE ATTACHMENT/MEMORANDUM)

D. What are the facts underlying your claim(s)? (For example: *What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)

(SEE ATTACHMENT/MEMORANDUM) ("FACTS") ("LEGAL CLAIMS")

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Plaintiff's injuries contributed by each named defendant are listed on the Attachment page(s) of Complaint @pg. 23.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Plaintiff seeks various forms of injunctive relief, including immediate medical treatment at outside medical facilities per sentencing court's order and recommendation for continued pre-incarceration treatment of specialists, and oversight of his medical care by an independent physician. In addition, plaintiff seeks compensatory/actual damages in the amount(s) of \$1,000,000 and \$700,000, respectively, as well as punitive damages in amount of \$50,000 against defendants.

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VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

- Yes
 No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Federal Correctional Institution-Schuylkill

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

- Yes
 No
 Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

- Yes
 No
 Do not know

If yes, which claim(s)?

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D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

Yes

No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes

No

E. If you did file a grievance:

1. Where did you file the grievance?

FEDERAL CORRECTIONAL INSTITUTION - SCHUYLKILL

2. What did you claim in your grievance?

• MEDICAL STAFF FAILURE TO PROVIDE COURT-IMPOSED TREATMENT FOR PRE-INCARCERATION INJURIES; FAILURE TO PROVIDE SPECIALIST AND; EXCESSIVE FORCE; RETALIATION; DENIAL OF BASIC MEDICAL NEEDS, ETC.

3. What was the result, if any?

• DENIAL OF EACH GRIEVANCE.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I WENT THROUGH THE ENTIRE GRIEVANCE PROCESS, TO INCLUDE APPEALING EACH DENIAL OF EACH GRIEVANCE TO HIGHEST LEVEL. ADMINISTRATIVE REMEDIES ARE FULLY EXHAUSTED.

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F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

N/A

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

N/A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

N/A

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.) (EXHIBIT #A)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

Yes

No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes

No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (*If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.*)

1. Parties to the previous lawsuit

Plaintiff(s)

Defendant(s)

2. Court (*if federal court, name the district; if state court, name the county and State*)

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

Yes

No

If no, give the approximate date of disposition.

7. What was the result of the case? (*For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?*)

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

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Yes

No

- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (*If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.*)

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court (*if federal court, name the district; if state court, name the county and State*)

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

Yes

No

If no, give the approximate date of disposition

7. What was the result of the case? (*For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?*)

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IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: July 14, 2020

Signature of Plaintiff

Printed Name of Plaintiff

Anthony johnson

Prison Identification #

30077-068

Prison Address

united states penitentiary-Canaan; P.o box 300

Waymart

PA

18472

City

State

Zip Code

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

Continuation Page-- "Defendants"

Defendant #5:

Name: Joseph Rush

Job Title: Physician Assistant (PA)

Shield No.: Unknown

Employer: FCI-Schuylkill, Federal Bureau of Prisons

Address: Interstate 81 & 901 W.,

City: Minersville State: PA Zip Code: 17954

* Individual capacity

Defendant #6:

Name: Douglas McClintock

Job Title: Assistant Health Service Administrator (AHSA)

Shield No. Unknown

Employer: FCI-Schuylkill, Federal Bureau of Prisons

Address: Interstate 81 & 901 W.

City: Minersville State: PA Zip Code: 17954

* Individual capacity

ATTACHMENT

I. SUMMARIZED BACKGROUND TO COMPLAINT

To put the issues in its proper context, it is first necessary to provide a brief synopsis of relevant background facts.

In August 2017, prior to his incarceration within the Bureau of Prisons ("BOP"), Plaintiff was involved in a car accident. As a result thereof, plaintiff started undergoing multiple complications concerning his health, to include back and nerve pain, numbness and tingling in both his extremities. Plaintiff was eventually seen by a doctor and chiropractor, both of which prescribed plaintiff medication and physical therapy. This however proved to be ineffective; within a few days, Plaintiff's pain had increased. Doctors thereafter performed a MRI which revealed L4-L5 spinal disk protrusion (possibly contacting L4-L5 nerve roots). Plaintiff was referred to a neurosurgeon, who conducted a EMG which confirmed L4-L5 herniated disks, causing lumber radiculopathy effecting nerves and muscles in plaintiff's lower extremities. As a direct result of his diagnosis plaintiff was prescribed a pain management consultant by his neurosurgeon, to include chiropractic care.

Then, in March 2018 while undertaking treatment for his health crisis, tragedy struck again. Plaintiff was involved in yet another automobile accident, further aggravating his existing injuries he's sustained previously.

Plaintiff was subsequently treated by a pain management specialist, who prescribed spinal injections, muscle relaxants, gabapentin and celebrex to plaintiff. Moreover, the specialist further recommended that plaintiff undergo physical therapy.

On July 16, 2018 plaintiff was sentenced to imprisonment for a term of 50-months for violation of supervised release. As part of his sentence, the sentencing judge explicitly ordered plaintiff's medical records be provided to BOP officials and that those officials give plaintiff treatment recommended by doctors and specialists for his pre-incarceration injuries.

II. FACTS OF COMPLAINT

1. At all times mentioned herein Plaintiff Anthony Johnson is and was a federal prisoner in the custody of the Federal Bureau of Prisons, and housed at FCI-Schuylkill in Minersville, Pennsylvania.

2. On January 14, 2019 during intake screening, the plaintiff advised medical personnel (R. Bryer) that he had been involved in two car accidents prior to his federal sentence and suffered from various health ailments. The plaintiff in particular, advised that because of his back and nerve problems, he would be unable to climb onto a top bunk; plaintiff therefore requested that he be assigned to

a lower bunk. Upon arriving to his unit however, plaintiff was placed on a top bunk.

3. On January 16, 2019 plaintiff reported to medical and spoke with Defendant Mace-Liebson. Plaintiff informed Mace-Liebson about the extent of his medical conditions due to two car accidents. Plaintiff asked for muscle relaxants, ten units, and an alternative nerve medication due to cumbalta being ineffective. Plaintiff told Mace-Liebson that he had been under the care of a physician prior to incarceration, who had prescribed, among other things, physical therapy, and a neuronsurgeon who had prescribed treatment consisting of physical therapy via chiropractor and a pain-management specialist. Plaintiff advised Mace-Liebson that he had been given spinal injections, gabapentin and celebrex. Plaintiff requested treatment prescribed by his pre-incarceration physicians. After first confirming plaintiff's conditions, Mace-Liebson told plaintiff that "physical therapy is out of the question" "[Plaintiff] will not receive the same requested treatment if [he] was in society;" and "don't come to jail and you won't have to worry about getting proper treatment." When plaintiff informed Mace-Liebson that the judge had ordered his pre-incarceration treatment to be continued during his confinement, Mace-Liebson told plaintiff that "a judicial recommendation means nothing here." Plaintiff asked that

he be assigned a lower-bunk pass because he was unable to climb onto a top bunk due to his injuries, and that he was currently sleeping on the floor. Mace-Liebson told plaintiff that he "did not qualify" for assignment to a lower bunk and that he should "just tough it out."

4. Two days later, on January 22, 2019 at approximately 11:00 AM plaintiff reported to medical sick call and was consulted by defendant Steffan. Plaintiff made Steffan aware that the cymbalata he was using was not working and that he was experiencing chronic neck-back pain, along with nerve pain. Plaintiff requested for a carpal tunnel splint due to diagnosed cervical neuritis, ulnar neuritis, etc. Steffan told plaintiff, "go to the commissary and get ibuprofen because the BOP don't treat pre-existing injuries." Plaintiff requested (again) to be assigned a lower bunk. Steffan stated, "You don't qualify."

5. On February 8, 2019 Plaintiff spoke with Defendant McClintock and made him aware of not receiving treatment for his injuries. Plaintiff advised McClintock of medical staff's interference with his pre-incarceration physician and treatment specialists prescriptions; that he was denied a bottom bunk pass despite his conditions. McClintock told plaintiff, "If you keep complaining, you won't get anything. A grievance is not the way to go." McClintock refused to do anything. Plaintiff then informed McClintock that he was

having extreme pains in his neck and back and that it was hurting to even walk. McClintock replied: "Come on, act like a man."

6. On February 13, 2019 @ approx. 9:30 AM Plaintiff went to medical and was consulted by Defendant Rush. The plaintiff told Rush that his pain in his back and neck was so extreme that he could not walk straight. Plaintiff advised Rush that he was experiencing numbness and swelling in his hand. Plaintiff asked that Rush contact someone to provide immediate medical help. Plaintiff told Rush that he needed treatment prescribed by his street doctor and specialist. Plaintiff explained his diagnosed ailments. Plaintiff stated that he could not climb onto a top bunk and requested a lower bunk pass. Plaintiff told Rush that the BOP prescribed medications were not working, and that he'd been taking them for over five-months to no avail. Rush conducted an examination of the plaintiff and noted muscle spasms and swelling in the plaintiff's lumbar spine and hand, but did not provide any treatment at all.

7. On February 22, 2019 @ approx. 4:05 PM while attempting to climb down from off his top bunk, plaintiff fell to the floor, further aggravating his prior injuries. Plaintiff's neck and back pain grew extreme and he then

experienced severe nerve pain in his arms and legs. After a RN was called to unit and plaintiff was rushed to the medical department, the RN (Bryer) contacted Mace-Liebson via phone after plaintiff complained and protested for a transfer to emergency room due to the severity of pain he sustained from the fall. After Bryer ended his conversation with Mace-Liebson, he informed plaintiff that Mace-Liebson told him "under no circumstances is [plaintiff] to be taken to er." Bryer gave plaintiff a shot of Toradol and told him to go back to the unit. Plaintiff was subsequently given a wheelchair, with Mace-Liebson's permission, but still denied a lower bunk pass, "per the orders of Dr. Mace." Upon arriving to the unit, correctional officer inquired as to why medical would order plaintiff to remain on a top-tier/top bunk? Officer [Pelowski] immediately moved plaintiff to a lower tier/bunk.

8. On Feburary 23, 2019 @ approx. 7:15 AM plaintiff awoke experiencing pain in his neck and back ten-fold. Plaintiff was sent to medical and consulted by RN Andress. Plaintiff requested immediate medical assistance because he was in pain. Approxiamently 22-minutes later McClintock arrived on the scene and immediately asked plaintiff who had issued him a wheelchair? When plaintiff told McClintock about his fall and that Mace-Liebson approved issuance of the wheelchair, McClintock became visibly upset; he then

ordered the inmate assisting plaintiff with wheelchair transport to return to unit. After which, McClintock, along with RN Andress, forced plaintiff to walk to the exam room. When plaintiff expressed that he could not walk due to pain, McClintock stated, "Well, you just won't be seen." In fear of not being seen and treated for his injury, plaintiff eventually struggled to stand and walked to the exam room. Upon entering, plaintiff again stated that he was in extreme pain. McClintock stated, "Sure you are." Plaintiff sat waiting for treatment for approx. 8-minutes with no examination ever being done. As plaintiff was leaving, McClintock stated, "I'm tired of your grievances and complaints," then took plaintiff's wheelchair that had been issued by Mace-Liebson--directly interfering with treatment once prescribed. McClintock told plaintiff to walk back to the unit.

9. On February 25, 2019 plaintiff reported back to medical due to experiencing more pain in his neck and his back, numbness/tingling and muscle spasms in legs/arms. Plaintiff was consulted by Mace-Liebson, whereas, he made her aware of injury from February 22, 2019 fall. Plaintiff was given a partial examination by Mace-Liebson consisting of physical inspection where she concluded she did not detect that plaintiff had any serious medical issues, noting

however, plaintiff's blood pressure was high. Plaintiff requested immediate referral to a specialist due to the numbness and tingling in his extremities, and to be prescribed his prior's pre-incarceration specialist's treatment and a lower bunk and wheelchair. Mace-Liebson told plaintiff "Stop faking!" Plaintiff stated that he was not faking; he was in serious extreme pain from the fall. Mace-Liebson stated, "Well, that's what I'm going to put in your files, and you're not seeing no one or getting a lower bunk or treatment" because "you continue complaining." At approx. 2:15 PM that same day, a case manager came to the unit and took away plaintiff's BOP prescribed medications, statting that "Dr. Mace said to walk up everyday and get it." The following day plaintiff was given an incident report for failing to walk to pill line and pick up his medication--even though he was in pain and unable to walk.

10. On February 27, 2019 at approx. 8:00 A.M. plaintiff was consulted at medical by Defendant Rush. Plaintiff told Rush that the prescribed medicines by BOP (cumbalta) was not working. Plaintiff told Rush about his fall from top bunk, and that his wheelchair had been taken. Plaintiff told Rush that he was then experiencing severe pain in his neck/back. Plaintiff complained about on-the-spot

muscle aches and spasms and intense nerve complications. Rush confirmed swelling in plaintiff's back but did not conduct any examination. Plaintiff asked for a carpal tunnel splint for wrist pain and otherwise treatment for his constant ongoing pain. Rush refused to treat plaintiff and told plaintiff to "continue using cymbalta" for his pain symptoms. Plaintiff was forced to sleep on the floor in unit.

11. On the same day at approx. 12:15 PM plaintiff confronted Defendant Finley and advised him about plaintiff's diagnosed medical conditions; the refusal of staff defendants to provide treatment, and denial of court-ordered pre-incarceration specialist care. The plaintiff told Finley about falling from top bunk and that his wheelchair had been confiscated by McClintock in retaliation for filing grievances against staff. Finley told plaintiff that he [Finley] was "in agreeance with Mace-Liebson' diagnosis" and that "[i]f you don't like it, keep filing grievances."

12. On February 28, 2019 at approx. 7:00 AM plaintiff consulted Rush at medical call again and explained that he was experiencing extreme pain and numbness/tingling and nerve pains. Rush observed swelling and positive SLR-pain. Rush told plaintiff to continue taking cymbalta.

Plaintiff stated it was ineffective. Rush replied, "Well, that's all you gonna get." Plaintiff stated he needed bottom bunk pass; Rush stated, "Ain't gonna happen." Plaintiff was forced to sleep on the floor in unit.

13. On March 6, 2019 after finally getting assigned to lower bunk, plaintiff was moved to another unit. When he arrived at unit, however, he was assigned to a cell with an inmate who had a bottom bunk restriction. Plaintiff told unit officer about situation; unit officer stated he was not authorized to move plaintiff. At approx. 3:10 P.M. plaintiff sent an electronic email to Finley. Plaintiff asked Finley to have him re-assigned to bottom bunk. Plaintiff explained that because of injuries, he could not climb top bunk. Finley never replied to email.

14. On March 8, 2019 at approx. 7:58 AM plaintiff returned to medical and was again consulted by Rush. Plaintiff told Rush that he was still continuing to have nerve pain from his fall and that his condition was getting worse. Plaintiff requested a lower bunk pass, muscle relaxers, alternative pain medications, and access to specialist. Rush told plaintiff that "nothing's gonna happen," and that he'd "just have to wait until [you] see a specialist." Plaintiff continued to experience pain in his back and neck. Rush got upset and told plaintiff to "shut up and leave." Approx. one-hour later plaintiff

was served an incident report for "refusing a direct order."

15. The same day, at approx. 11:45 AM plaintiff approached Finley and again complained about lack of treatment, denial of lower bunk pass, non-treatment after falling from top bunk, retaliation by McClintock for the filing of grievances, and denial of pre-incarceration specialist prescribed treatment. Finley stated to the plaintiff, "It is what it is. I'm backing my medical staff, regardless." At 7:45 PM, however, plaintiff was finally issued a lower bunk pass.

16. On March 25, 2019 at 8:50 AM plaintiff was seen by Steffan at medical. Plaintiff advised Steffan about painful lump on his neck/spine area and requested Steffan to get him medical attention. Steffan provided no treatment or examination. Plaintiff left the medical unit still in pain.

17. On March 28, 2019 at 8:20 AM plaintiff returned to medical and consulted Rush. Plaintiff reported that he was experiencing (sciatica) nerve pains which were affecting his bowel movements for past two weeks; that he had painful cramps on his left side with numbness in his buttocks area. Rush asked plaintiff to perform a series of (awkward) positions--despite plaintiff insistence that "it hurts." Rush ended the session with, "Stop coming down

here crying like a fucking baby." No treatment was ever provided.

18. On April 4, 2019 at approx 7:00 AM plaintiff reported to medical sick call and was consulted by Steffan. Plaintiff told Steffan that he was experiencing severe pain due to diagnosed ulnar neuritis and carpal tunnel symptom, causing nerve and muscle pain in his left arm. Steffan told plaintiff, "You again. You keep coming up here everyday... you just don't learn." The plaintiff ignored Steffan. As plaintiff filled out a sick call form and expressed his pains to Steffan, Steffan continued agonizing him. Steffan stated, "I got something for you," in a threatening tone. Due to his fear of retaliation, plaintiff left medical and reported the incident to a lieutenant (Malaski). Plaintiff then returned to medical. Steffan continued antagonizing the plaintiff (witnessed by two other inmates, Watson, Reg. No.-066 and Vodie Goodman, Reg. No. 04910-036). At approx. 10:00 AM plaintiff was called to lt's office and served another incident report from Steffan, falsely accusing plaintiff of group demonstration.

19. On April 5, 2019, while in Special Housing Unit ("SHU"), for the incident report described above, the plaintiff filled out a sick call form for neck and back

pain and numbness in his upper/lower extremities. Steffan approached plaintiff's cell door and stated: "Got your meds? I told you I had something for you." (referring to incident report and threat he'd previously made on March 4, 2019). Steffan then proceeded to antagonize plaintiff (witnessed by cell mate A. Phillips, #76095-067). The plaintiff received no treatment for his pain.

20. On April 16, 2019 after being released from SHU and the incident report expunged, plaintiff went to medical unit to pick up his medication, plaintiff was informed by the PA that Mace-Liebson had ordered his cymbalta medicine to be discontinued for "non-compliance." Mace-Liebson conducted no testing or examination of the plaintiff beforehand. Plaintiff began suffering debilitating side effects. Due to constant denial of any type of treatment for his severe conditions, coupled with the fear of retaliation from medical staff, plaintiff stopped going to sick call for help.

21. On June 13, 2019 at approx. 10:07 AM plaintiff emailed Warden Finley and explained Mace-Liebson was intentionally denying treatment and employing repressive and retaliatory tactics for grievances filed by plaintiff. Plaintiff asked Finley to intervene.

22. On June 24 and July 1, 2019 plaintiff wrote to the Office of Inspector General ("OIG"), voicing complaint

of grievances and denial of medical treatment.

23. On July 18, 2019 plaintiff was consulted by Defendant Richard Andruzzi, during a medical visit, whereas, plaintiff advised Andruzzi of his diagnosed medical crisis and conditions from two car accidents, and the treatment prescribed by specialist. Plaintiff told Andruzzi of his (now) permanent radiating numbness and tingling and nerve pains in his neck, arms and legs; chronic neck-back pain, etc. due to the continued denial of pre-incarceration treatment (or any other treatment). Plaintiff stated that the prescribed BOP medicines and ibuprofen were ineffective. Plaintiff requested gabapentin, alternative for cymbalta, to be re-instated, physical therapy, a carpal tunnel splint, chiropractor care, etc. Plaintiff stated that he was in extreme pain. Andruzzi acknowledged that plaintiff needed more treatment than what he was currently receiving, but stated "at the end of the day, it ain't up to me but Dr. Mace."

24. Between July 13-23, 2019 plaintiff emailed Finley and requested that he intervene. On July 26th, at approx. 1:57 PM Finley responded to email and stated that plaintiff wasn't being denied medications due to plaintiff "malingering." Plaintiff stated he wasn't malingering, and that he needed medical help.

25. On August 2, 2019 during lunch call, plaintiff approached Andruzzi and requested to know why he was being denied medical help for injuries and pain. Mr. Andruzzi stated: "Mace told me 'no,' and I have to do what she says... my hands are tied." On August 3, 2019 at approx. 7:40 AM plaintiff was given a Velcro plastic ER wrist splint by pharmacy. At 11:45 AM plaintiff returned to medical seeking instructions on how to use and/or adjust splint. Medical personnel told plaintiff to try to wear it until Andruzzi returned to work the following Monday. On August 6, 2019 plaintiff was approved to see the General Surgeon. On that same day, approx. 12:23 PM plaintiff went to medical to consult Andruzzi and told him that plaintiff needed help with the wrist splint. Plaintiff showed Andruzzi his hand, which had completely swelled up, and that he, plaintiff, was in extreme pain. Andruzzi stated, "Not right now."

26. On September 19, 2019 plaintiff consulted Andruzzi at medical. Andruzzi advised plaintiff that a biopsy would be ordered because of the lump on plaintiff's neck. Plaintiff then complained of back, arm and hand, pains, including swollen neck glands. Plaintiff again begged for immediate examination and treatment due to ongoing pains. Plaintiff asked Andruzzi to help with

adjustment of splint. Andruzzi stated: "I don't have time for your shit." When plaintiff asked how to properly wear the splint without irritating nerve which caused swelling, Andruzzi glared at plaintiff, then lean in and snatched the splint while forcefully twisting the plaintiff's injured hand/wrist. Plaintiff yelled out in pain. Andruzzi then shoved plaintiff in the face/head and ordered plaintiff to leave medical. Plaintiff then immediately reported the incident to Associate Warden K. Gabrielson.

27. On October 2, 2019 plaintiff forwarded a letter to the OIG reporting assault, retaliation, and denial of medically-prescribed pre-incarceration treatment. On October 3, 2019 plaintiff was taken to the General Surgeon biopsy consultation appointment. The General Surgeon noted that plaintiff's neck was swollen and recommended that plaintiff be scheduled for CT-scan, X-Ray, and blood work, then brought back for follow up examination in a month. The General Surgeon stated that a "biopsy might be needed." Mace-Liebson and Andruzzi both however refused to schedule the recommended test and follow up appointment.

28. On December 3, 2019 plaintiff was seen by Steffan at sick call. Plaintiff told Steffan that he was having pain and severe swelling in his hand, nerve pain, muscles spasms, and his need for nerve pills to be re-instated,

along with pre-incarceration specialist prescribed treatment. Steffan told plaintiff, "Too bad. Go to commissary for pain relievers, despite plaintiff stating OTC was not working. When plaintiff continued with his request for immediate referral to specialist and "any treatment at all." Steffan initiated a incident report against the plaintiff for refusing to leave medical without any treatment being provided.

◆ 29. On December 6, 2019 at approx. 3:20 AM plaintiff got up to use the toilet. His legs went weak and he collapsed to the floor on his knees. Plaintiff cell mate (Nafese Sanford) attempted to help plaintiff up, then activated the duress button. Officers arrived and contacted medical. Unit officers advised that Mace-Liebson told them to wait until 6-7:00 AM when someone from medical arrived for work. Plaintiff was left laying on the floor in pain for the next (5)-five hours. After arriving at medical at approxiamently 8:45 AM plaintiff was told to wait another 20-minutes by McClintock. Once plaintiff was admitted into the hallway of medical, plaintiff was left sitting in a wheelchair, in severe pain. Due to the pain in his back plaintiff attempted to reposition himself to the ground. McClintock and Andruzzi then arrived and began taking pictures of plaintiff. As plaintiff layed in pain, both McClintock and Andruzzi began laughing, refusing to help.

Mace-Liebson arrived and immediately accused plaintiff of malingering. Mace-Liebson stated, "I'm so sick and tired of your shit. All the grievances and complaints." At that point Mace-Liebson purposely kicked plaintiff on the bottom of his foot. Plaintiff yelled out in pain. Mace-Libeson proceeded to kick plaintiff again on his foot, screaming "Get the hell up!" Plaintiff's pain increased in his back/neck area due to aggravation of herniated disk. Two prison lieutenants arrived, where plaintiff reported Mace-Liebson had just assaulted him. Psychiatrist (Dr. Mening) arrived and plaintiff explained same. Dr. Mening consulted Mace-Liebson then told plaintiff that cymbalta would be re-instated. Plaintiff was sent back to unit without being examined or treated for his pain symptoms and the assault.

30. On December 11, 2019 plaintiff arrived at the medical unit for sick call. Plaintiff complained of severe pain and swelling caused by Mace-Liebson's assault. Plaintiff was again consulted by Andruzzi, who told plaintiff to "get out wheelchair and do some moving." Plaintiff said due to pain he could not. Andruzzi told plaintiff that an MRI would be ordered as recommended by emergency room. (Later found out Mace-Liebson told Andruzzi not to put in an MRI consult, possibly to avoid detection of

new injuries and McClintock told plaintiff to; plaintiff never got one). As plaintiff labored to get into his wheelchair, Andruzzi stated, "Due to your continuous complaints, leave the wheelchair and walk back."

31. On December 12, 2019 at approx. 10:00 AM, plaintiff went back to medical unit and was consulted by McClintock after complaining about severe neck/back pain. McClintock forced plaintiff to wait to be seen. Plaintiff sat in medical for approx. 45-minutes without being seen. Due to the extent of his pains, plaintiff advised the PA (Butler) that he was going back to the unit to lay down. Upon arriving outside mainline plaintiff saw Finley and took the time to explain that he'd been assaulted by Mace-Liebson. Finley began ranting at plaintiff and stated "I'm prepared for court... file another grievance." (witnessed by inmate Sanford). Approximately 11:45 AM unit officers came and took plaintiff to SHU for another incident report written by Andruzzi. Once in SHU, the plaintiff was served yet another incident report written by McClintock.

32. Plaintiff was housed in SHU for 18-days, being denied any medication besides 5-days prednisone and ineffective crushed/floated cymbalta, suffering unnecessary pain, despite pre-existing diagnosed conditions and recently

diagnosed degenerative disk disease and hypertrophic osteophyte. On December 30, 2019 plaintiff was transferred to USP Canaan.

III. LEGAL CLAIMS

33. Plaintiff re-alleges and incorporates by reference paragraphs 1-33.

34. Defendant's Mace-Liebson, Steffan, Andruezzi, McClintock, and Rush's deliberate indifference to plaintiff's serious medical needs violated plaintiff's rights, and constituted cruel and unusual punishment under the Eighth Amendment of the United States Constitution;

35. By failing to provide plaintiff a bottom bunk prior to falling from top bunk, knowing plaintiff suffered a herniated disk from involvement in pre-incarceration car accidents and plaintiff's medical needs, and failing to assign a bottom bunk for non-medical reasons after his fall, Defendant's Mace-Liebson, Steffan, Andruezzi, Rush and McClintock violated plaintiff's rights under the Eighth Amendment of the United States Constitution, and caused the plaintiff pain, suffering, physical injury and emotional distress.

36. Defendant Mace-Liebson used excessive force on plaintiff by kicking him in the foot while he was laying on the floor when plaintiff was not violating any prison

rule, and was not acting disruptively. Defendant Mace-Liebson's actions violated plaintiff's rights under the Eighth Amendment to the United States Constitution, and caused plaintiff pain, suffering, physical injury and emotional distress.

37. Defendant Andruzzzi used excessive force against plaintiff by twisting his hand/wrist while snatching splint off plaintiff's wrists when plaintiff was not violating any prison rule, nor acting disruptively in any manner. Defendant Andruzzzi's actions violated plaintiff's rights under the United States Constitution, and caused plaintiff pain, suffering, physical injury and emotional distress.

38. By confiscating plaintiff's wheelchair and forcing him to walk after plaintiff's fall from top bunk, Defendant McClintock retaliated against plaintiff unlawfully, in violation of plaintiff's rights under the First Amendment to the United States Constitution, as well as his Eighth Amendment rights. These actions caused, and are still causing, plaintiff injury to his First Amendment.

39. BY threatening plaintiff with incident reports and then writing those reports for exercise of his right to seek redress from the prison through use of the prison's grievance process, Defendant's Mace-Liebson, Steffan, and Rush all retaliated against plaintiff unlawfully, in violation of plaintiff's rights under the First Amendment to the United

States Constitution. These illegal actions caused plaintiff injury to his First Amendment.

40. By having direct knowledge about Defendant's acts of deliberate indifference to plaintiff's serious medical needs, failing to correct the misconduct and/or intervene, and encouraging the continuation of such, Defendant Finley also violated plaintiff's rights under the Eighth Amendment to the United States Constitution and caused plaintiff pain, suffering, physical injury and emotional distress.

41. Plaintiff has no plain, adequate or complete remedy at law to redress the wrongs described herein. Plaintiff has been and will continue to be irreparably injured and suffer as a result of the conduct of the defendant's unless this court grants the declaratory and injunctive relief which plaintiff now seeks.

42. Defendant's each knew about my serious medical needs and conditions verified by pre-incarceration specialists--cervical radiculitis, lumbar radiculopathy, L4-L5 herniated disc, sciatica damage-- all cause severe symptoms of nerve pain, muscle spasms, weakness in joints, etc. Denial of prescribed medication, physical therapy and injection, access to treatment and specialist caused the deterioration and risk of irreparable harm and injury, all in violation of the United States Constitution.

IV. INJURIES

I sustained the following injuries related to the actions, misconduct, and omissions of the defendants named herein: (1) T12-L1 degenerative disk disease, hypertrophic osteophyte and C6-7 hypertrophic osteophyte (from February 22, 2019 fall and lack of treatment after that fall); (2) aggravation of pre-existing neck and back injuries to cervical neuritis, herniated disk and radiculopathy; (3) severe nerve pain and stress-related symptom to include mild stroke (cause by being kicked by defendant Mace-Liebson on December 6, 2019); (4) stress, depression, mental/emotional distress, hypertension; (5) pain and swelling in hand (due to assault inflicted by defendant Andruzzesi).

V. PRAYER FOR RELIEF

I seek the following as basis for relief related to the actions, misconduct, and omissions of the defendants named herein: (i) a declaration that the acts and omission described herein violate Plaintiff's rights under the Constitution and laws of the United States, and (ii) a preliminary and permanent injunction order the Federal Bureau of Prisons to provide court-ordered pre-incarceration treatment, and (iii) compensatory/actual damages in the amount of \$1,000,000 against defendants Mace-Liebson,

Andruezzi, Steffan and McClintock, jointly and severally, and (iv) compensatory /actual damages of \$700,000 against defendant Finley only, and (v) compensatory/actual damages of \$50,000 against defendant Rush only; (vi) Plaintiff seeks punitive damages in the amount of \$700,000. Plaintiff seeks these damages against defendants Mace-Liebson, Andruezzi, Steffan, and McClintock, jointly and severally. Plaintiff seeks damages of \$50,000 only against defendant Finley and Rush, and

(vii) Plaintiff also seeks a jury trial on all the issues triable by jury;

(viii) Plaintiff also seeks recovery of their costs in this suit, and

(ix) Any additional relief this Court deems just, proper, and equitable.

Dated: July 14, 2020.

Respectfully submitted,



ANTHONY JOHNSON

VERIFICATION

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Waymart, Pennsylvania on July 14, 2020.

/s/ 

ANTHONY JOHNSON

EXHIBIT #A
(ADMINISTRATIVE REMEDIES INFORMATION)

JOHNSON, Anthony
Reg. No. 30077-068
Unit: 3A
Remedy ID# 967849-F1

Part B - RESPONSE

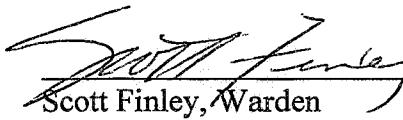
This is in response to your Request for Administrative Remedy, received on February 14, 2019, wherein you claim you have not received adequate medical care for your back and pain management issues.

A review of your medical file reveals you were recently evaluated on January 16, 2019, by the Clinical Director. You were given a back care booklet, and a plan of care to follow including diet modification and medication compliance. You reported to sick call on January 22, 2019, and were evaluated by a Physician Assistant. You offered a complaint of pain in your back, neck, and leg. You left the exam prior to the conclusion stating, "I am going to write you up."

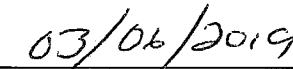
You returned to sick call on February 13, 2019, and you were evaluated by a Physician Assistant. You offered a complaint of back pain which was addressed. You were prescribed medication and directed to continue following your current treatment plan. In order for you to see any improvement in your medical conditions you must follow the treatment plan including medication compliance, diet modification, stretching, and exercises set forth by the clinical providers. Your request for care was reviewed by the Utilization Review Committee (URC) and submitted for review by the Regional URC on February 19, 2019.

Your request for Administrative Remedy is provided for informational purposes only.

If you are not satisfied with this decision, you may appeal to the Regional Director, Federal Bureau of Prisons, U.S. Customs House, Second and Chestnut Streets, Philadelphia, Pennsylvania, 19106 within 20 calendar days of the date of this response.



Scott Finley, Warden



Date

JOHNSON, Anthony
Reg. No. 30077-068
Appeal No. 967849-R1
Page One

Part B - Response

You appeal the response of the Warden of FCI Schuylkill and contend you are not receiving appropriate medical treatment for chronic pain. You claim you suffered several injuries from a motor vehicle accident and are being denied pain management. You request adequate medical care.

A review of your appeal reveals the Warden adequately addressed your concerns in his response. According to your Bureau Electronic Medical Record (BEMR), you have been evaluated and treated numerous times for this complaint. On February 19, 2019, you were evaluated during sick call. You complained of back pain and reported no improvement with your medications. Your medical record was reviewed at length and a pain management consultation was submitted for further evaluation. Your consultation was referred to the Regional Medical Director and subsequently denied. Your medical history was reviewed and further conservative treatment was recommended. Once conservative measures have been exhausted, a pain management consult will be reconsidered. Based on your medical assessments, you are being treated appropriately and there is no evidence to support your claim of denied medical care by Medical Staff. Accordingly, your appeal is denied.

If you are dissatisfied with this response, you may appeal to the General Counsel, Federal Bureau of Prisons. Your appeal must be received in the Administrative Remedy Section, Office of General Counsel, Federal Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534, within 30 calendar days of the date of this response.

Date: April 19, 2019



J. RAY ORMOND
Regional Director

Administrative Remedy No. 967849-A1

Part B - Response

This is in response to your Central Office Administrative Remedy Appeal wherein you allege deliberate indifference to your serious medical needs. For relief, you request medication and physical therapy.

We have reviewed documentation relevant to your appeal and, based on our findings, concur with the manner in which the Warden and Regional Director responded to your concerns at the time of your Request for Administrative Remedy and subsequent appeal. Our succeeding review reveals no evidence to suggest deliberate indifference to your serious medical needs. You have been evaluated by clinical staff on numerous occasions and have been educated regarding exercises and conservative pain relief (i.e. use of ice/heat, over-the-counter medications and muscle rubs, and stretching exercises). It is recommended you follow the provider recommendations.

The record reflects you have received medical care and treatment in accordance with evidence based standard of care and within the scope of services of the Federal Bureau of Prisons. You are encouraged to comply with proposed medical treatment so Health Services can continue to provide essential care and to contact medical personnel through routine sick call procedures should your condition change.

Considering the foregoing, this response is provided for informational purposes only.

7/19/19
Date



Ian Connors, Administrator
National Inmate Appeals 

JOHNSON, Anthony
Reg. No. 30077-068
Unit: 3A
Remedy ID# 971965-F1

Part B - RESPONSE

This is in response to your Request for Administrative Remedy, received on March 22, 2019, wherein you claim you have not received adequate medical care from an alleged fall that occurred on February 22, 2019. You seek to obtain the treatment plan that was prescribed prior to your incarceration.

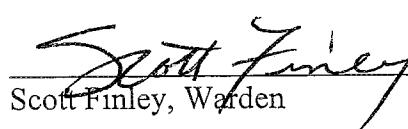
A review of your medical file reveals you were recently evaluated on February 22, 2019, by a clinical provider. You offered a complaint of back and neck pain for a fall. You were given medication for pain, follow-up plan, and a wheelchair. On February 23, 2019, you requested to be seen for low back pain. At which time you were evaluated by a provider, you were to continue on the current treatment plan and follow-up on Monday February 25, 2019. You left the Health Services Unit (HSU) without the use of the wheelchair.

On February 25, 2019, you requested to be seen for low back pain, you were evaluated by the Clinical Director. You offered a complaint of back pain and arm pain which was addressed. You were directed to continue following your current treatment plan. On February 27, 2019, you requested to be seen for back, neck, hand, and leg pain. You were evaluated by a Mid-Level Provider, your exam was normal and you were directed to continue with the current treatment plan, taking medications as prescribed. On February 28, 2019, you requested to be seen for neck and back pain. You were evaluated by a Mid-Level Provider at which time you had a normal exam, you were directed to continue with the current treatment plan taking medications as prescribed. On March 8, 2019, you requested to be seen for back pain. You were evaluated by a Mid-Level Provider during the evaluation you became loud, belligerent, and verbally aggressive towards staff and the visit was terminated. On March 25, 2019, you requested to be seen for a lump on your neck. You were evaluated by a Mid-Level Provider. An enlarged Lymph Node was noted, you were given a plan of care and blood work was drawn. On March 28, 2019, you requested to be seen for constipation. You were evaluated by a Mid-Level Provider at which time you refused to allow an examination.

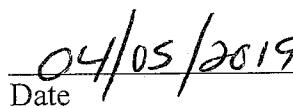
In order for you to see any improvement in your medical conditions you must allow the clinical Staff to evaluate your complaints. You must follow the treatment plan including medication compliance, diet modification, stretching, and exercises set forth by the Clinical Providers.

Your request for Administrative Remedy is denied.

If you are not satisfied with this decision, you may appeal to the Regional Director, Federal Bureau of Prisons, U.S. Customs House, Second and Chestnut Streets, Philadelphia, Pennsylvania, 19106 within 20 calendar days of the date of this response.



Scott Finley, Warden



Date

JOHNSON, Anthony
Reg. No. 30077-068
Appeal No. 971965-R3
Page One

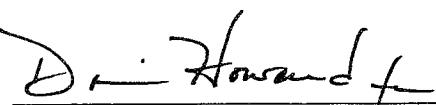
Part B - Response

You appeal the response of the Warden of FCI Schuylkill and contend you are not receiving appropriate medical treatment for your chronic conditions. You claim you were denied medical treatment for a February 2019, fall. You request adequate medical care.

A review of your appeal reveals the Warden adequately addressed your concerns in his response. According to your Bureau Electronic Medical Record (BEMR), you have been evaluated and treated numerous times for back pain. On February 19, 2019, you were evaluated during sick call. You complained of back pain and reported no improvement with medications. Your medical record was reviewed at length and a pain management consultation was submitted for further evaluation. Your consultation was denied, and conservative therapy was recommended. You were last evaluated for pain on April 3, 2019. You complained of chronic back pain, fever and a swollen lymph node. There was a left non-tender mobile lymph node on the left anterior side of your neck, otherwise your exam was unremarkable. Your treatment plan was discussed, and you were advised to follow up as needed. On April 4, 2019, you returned to sick call for wrist pain associated with Carpal Tunnel Syndrome. You became belligerent with medical staff, and your encounter was terminated. According to your medical record, you have not reported to sick call or voiced any complaints to medical staff since this encounter. If you are still experiencing symptoms you may see your Primary Care Provider via sick call for further evaluation and treatment options. Based on your medical assessments, you are being treated appropriately and there is no evidence to support your claim of denied medical care by medical staff. Accordingly, your appeal is denied.

If you are dissatisfied with this response, you may appeal to the General Counsel, Federal Bureau of Prisons. Your appeal must be received in the Administrative Remedy Section, Office of General Counsel, Federal Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534, within 30 calendar days of the date of this response.

Date: July 15, 2019


J. RAY ORMOND
Regional Director

Administrative Remedy No. 971965-A1

Part B - Response

This is in response to your Central Office Administrative Remedy Appeal wherein you allege deliberate indifference since you have received inadequate medical care for your reported back pain. You assert you fell off a top bunk bed that you should not have been assigned to due to your medical conditions. You further allege you were denied medication other than Over-the-Counter (OTC) medicine. For relief, you request to see a pain management specialist.

We have reviewed documentation relevant to your appeal and, based on our findings, concur with the manner in which the Warden and Regional Director responded to your concerns at the time of your Request for Administrative Remedy and subsequent appeal. Our succeeding review reveals you have been evaluated by Health Services on multiple occasions for medical concerns and have had adjustments in your health care as clinically needed. At this time, your clinical team has found insufficient diagnostic data to make a clinical determination of the need for pain specialist. Your primary care team will continue to make recommendations as needed. As recommendations are made, a course of treatment will be determined. Given this, we shall defer diagnostic testing and treatment interventions to the Health Services staff at the local level.

Based on this information, there is no evidence to substantiate your claim of being denied appropriate medical care or that of deliberate indifference on the part of medical staff; therefore, we find no rationale warranting further review of your claim.

The record reflects you have received medical care and treatment in accordance with evidence based standard of care and within the scope of services of the Federal Bureau of Prisons. You are encouraged to comply with proposed medical treatment so Health Services can continue to provide essential care and to contact medical personnel through routine sick call procedures should your condition change.

Considering the foregoing, your appeal is denied.

Date

10/21/19



Ian Connors, Administrator
National Inmate Appeals 

JOHNSON, Anthony
Reg. No. 30077-068
Unit: 3A
Remedy ID# 970184-F1

Part B - RESPONSE

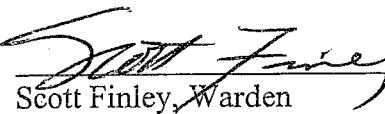
This is in response to your Request for Administrative Remedy, received on March 6, 2019, wherein you request, "to have medical records forwarded to the Designation and Sentence Computation Center (DSCC) to be faxed to the Central Medical Designator, to be adequately evaluated for care level facility.

Program Statement, 6270.01, Medical Designations & Referral Services for Federal Prisoners, states, "re-designations are initiated for inmates with an acute medical, surgical, or psychiatric condition, or for those inmates who have chronic care needs that cannot be addressed at the parent institution."

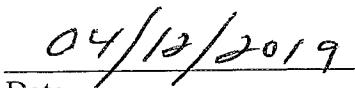
Review reveals, you were initially classified as "Care 1" for medical needs. On March 5, 2019, your classification was updated to "Care 2." As a Care 2 facility, FCI Schuylkill is able to manage your current medical needs. You do not require transfer to a higher Care Level facility at this time. Regarding your request to have your medical records forwarded to the Central Medical Designator, this is unnecessary, as the Office of Medical Designations has access to your electronic medical record.

Accordingly, your request for Administrative Remedy is denied.

If you are not satisfied with this decision, you may appeal to the Regional Director, Federal Bureau of Prisons, U.S. Customs House, Second and Chestnut Streets, Philadelphia, Pennsylvania, 19106 within 20 calendar days of the date of this response.



Scott Finley, Warden



Date

JOHNSON, Anthony
Reg. No. 30077-068
Appeal No. 970184-R1
Page One

Part B - Response

You appeal the response from the Warden of FCI Schuylkill and contend you are not receiving appropriate accommodations for your chronic conditions. You claim the institution is not handicap accessible and there is no access to physical therapy or carpal tunnel splints. You request re-designation to another facility.

A review of your appeal reveals the Warden adequately addressed your complaint in his response. According to your Bureau Electronic Medical Record (BEMR), you were evaluated on February 22, 2019, after falling off your bunk. You complained of back pain and numbness and tingling in your left hand. Your examination revealed no acute findings and you were given a Ketorolac Injection for pain. You were provided a wheelchair for three days and advised to follow up as needed. You were evaluated numerous times following this encounter, your examinations were unchanged and you were treated accordingly. On February 28, 2019, you were evaluated for extreme neck and back pain during sick call. Your examination revealed tenderness with full range of motion. You were advised to continue Cymbalta and over-the-counter medication for pain and no further treatment was recommended. Based on your medical assessments, you are being treated appropriately and a transfer to another facility is not warranted. As indicated by the Warden, you are correctly classified as a Care Level Two inmate and your medical conditions can be treated at your current institution. Accordingly, your appeal is denied.

If you are dissatisfied with this response, you may appeal to the General Counsel, Federal Bureau of Prisons. Your appeal must be received in the Administrative Remedy Section, Office of General Counsel, Federal Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534, within 30 calendar days of the date of this response.

Date: June 6, 2019



J. RAY ORMOND
Regional Director

Administrative Remedy No. 970184-A1
Part B - Response

This is in response to your Central Office Administrative Remedy Appeal wherein you allege cruel and unusual punishment since you received inadequate medical care for your chronic conditions. You allege you have not received treatment or effective medication for your condition. You further allege your parent institution is not handicap accessible since you are unable to go up steep stairs due to numbness and pain. You contend you are unable to attend programs due to accessibility. For relief, you request the Federal Bureau of Prisons abide by the judicial recommendation for your medical care.

We have reviewed documentation relevant to your appeal and, based on our findings, concur with the manner in which the Warden and Regional Director responded to your concerns at the time of your Request for Administrative Remedy and subsequent appeal. Our succeeding review reveals you have been evaluated by Health Services on multiple occasions for medical concerns and have had adjustments in your health care as clinically needed.

Further review of your most recent chronic care evaluation reveals your clinical provider determined physical therapy, a TENS unit, cane, Elavil or an MRI scan was not presently clinically indicated. In addition, it is noted you have a history of diverting pain medication. You are encouraged to participate in your recommended plan of care to ensure optimal wellness. Additionally, on several occasion you were observed walking, turning, bending without difficulty and showing no signs of pain. Your primary care team will continue to make recommendations as needed. As recommendations are made, a course of treatment will be determined. Given this, we shall defer diagnostic testing and treatment interventions to the Health Services staff at the local level.

Based on this information, there is no evidence to substantiate your claim of being denied appropriate medical care or of cruel and unusual punishment on the part of medical staff. Therefore, we find no rationale warranting further review of your claim. We find you are designated to an appropriate institution commensurate with your current security, custody and medical needs. Additionally, we note your parent institution is ADA complaint for inmates with disabilities.

Administrative Remedy No. 970184-A1

Part B - Response

Page 2

The record reflects you have received medical care and treatment in accordance with evidence based standard of care and within the scope of services of the Federal Bureau of Prisons. You are encouraged to comply with proposed medical treatment so Health Services can continue to provide essential care and to contact medical personnel through routine sick call procedures should your condition change.

Considering the foregoing, this response is provided for informational purposes only.

9/20/17
Date



Ian Connors, Administrator
National Inmate Appeals 

JOHNSON, Anthony
Reg. No. 30077-068
Unit: 3A
Remedy ID# 981996-F1

Part B - RESPONSE

This is in response to your Request for Administrative Remedy, received on June 21, 2019, wherein you request complete medical records from an outside hospital you received treatment, while at a previous institution.

Program Statement 6090.04, Health Information Management, states, "On occasion, the HSA/designee will have to request health records from hospitals and physicians of inmates formerly treated by them. When an inmate was treated elsewhere, such as a hospital, ambulatory surgical facility, nursing home, or physician's or consultant's office, clinical summaries or other pertinent documents are obtained when necessary for continuity of care."

Review reveals you have been provided requested copies of your BOP medical records, in accordance with Program Statement 6090.04. Your electronic medical record is accurate and complete. Additionally, on June 18, 2019, you were provided copies of the EMG performed at your previous institution. BOP institutions typically receive the amount of documentation necessary for continuation of care, such as interpretive reports, from outside medical providers. The provider may retain additional records, and release those records in accordance with their local policies or as required by law. As your medical file already contains the information necessary for continuation of care, there is no clinical need for the institution to request additional records. You are encouraged to see your Primary Care Provider and discuss your plan of care. If you are experiencing any further medical issues, please attend sick call following established procedures.

Accordingly, your request for Administrative Remedy is denied.

If you are not satisfied with this decision, you may appeal to the Regional Director, Federal Bureau of Prisons, U.S. Customs House, Second and Chestnut Streets, Philadelphia, Pennsylvania, 19106 within 20 calendar days of the date of this response.



Scott Finley, Warden

7/1/19

Date

JOHNSON, Anthony
Reg. No. 30077-068
Appeal No. 981996-R1
Page One

Part B - Response

You appeal the response of the Warden at FCI Schuylkill regarding your medical records. You claim you have not received complete copies of your medical records including your Electromyography (EMG), consultation notes confirming your diagnosis of Carpal Tunnel Syndrome and Ulnar Neuritis, and recommendation for surgery. You request all off-site outpatient records.

A review of your appeal reveals the Warden adequately addressed your concerns in his response. Review of your Bureau Electronic Medical Record (BEMR), reveals you have been provided copies of your medical records in accordance with Program Statement 6090.04, Health Information Management. In addition, your Nerve Conduction Velocity Test (NCV) completed on December 7, 2018, was reviewed. There is no evidence to support your claim this document was altered or fabricated by the institution. Accordingly, your appeal is denied.

If you are dissatisfied with this response, you may appeal to the General Counsel, Federal Bureau of Prisons. Your appeal must be received in the Administrative Remedy Section, Office of General Counsel, Federal Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534, within 30 calendar days of the date of this response.

Date: August 8, 2019



J. RAY ORMOND
Regional Director

Administrative Remedy No. 981996-A1

Part B - Response

This is in response to your Central Office Administrative Remedy Appeal wherein you allege you have not received complete copies of your medical records. For relief, you request the complete medical record pertaining to continuation of care for your Carpal Tunnel Syndrome and Ulnar Neuritis.

We have reviewed documentation relevant to your appeal and, based on our findings, concur with the manner in which the Warden and Regional Director responded to your concerns at the time of your Request for Administrative Remedy and subsequent appeal. Records indicate you have received copies of your medical records on numerous occasions. Specifically, you received the EMG report on January 17, 2019. You have not provided sufficient evidence that your medical record has been altered or that you have been denied copies of documents from your medical records. Based on this information, there is no evidence to substantiate your claim of receiving incomplete medical records.

The record reflects you have received medical care and treatment in accordance with evidence based standard of care and within the scope of services of the Federal Bureau of Prisons. You are encouraged to comply with proposed medical treatment so Health Services can continue to provide essential care and to contact medical personnel through routine sick call procedures should your condition change.

Considering the foregoing, this response is provided for informational purposes only.

10/4/19
Date

I.C.

Ian Connors, Administrator
National Inmate Appeals R.T.

JOHNSON, Anthony
Reg. No. 30077-068
Unit: 2B
Remedy ID# 995057-F1

Part B - RESPONSE

This is in response to your Request for Administrative Remedy, received on October 25, 2019, wherein you claim you are being denied access to care and testing recommended by the consultant General Surgeon.

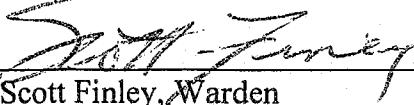
A review of your medical record reveals you are receiving appropriate medical care for your chronic and acute medical concerns. On October 3, 2019, you were evaluated by the consultant General Surgeon for left sided neck swelling that was observed by your Primary Care Provider during a previous clinical encounter. Upon examination by the consultant General Surgeon, no lymphadenopathy nor other defects were appreciated. The radiographic and laboratory studies recommended by the consultant General Surgeon, were completed prior to your consultation, and there is no indication to repeat these studies, as all revealed negative results at time of completion. Based upon the lack of physical findings and consultation with the Clinical Director, there is no additional testing or intervention clinically indicated at the present time for your neck swelling.

Additionally, in accordance with Program Statement 6031.04, Patient Care, section 16c, Request for Consultation, Bureau physicians are not obligated to follow all consultant recommendations.

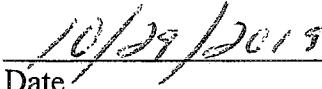
If you continue to experience any medical conditions, please attend sick call to be evaluated and receive appropriate treatment for the condition(s), as medically indicated.

Your request for Administrative Remedy is denied.

If you are not satisfied with this decision, you may appeal to the Regional Director, Federal Bureau of Prisons, U.S. Customs House, Second and Chestnut Streets, Philadelphia, Pennsylvania, 19106 within 20 calendar days of the date of this response.



Scott Finley, Warden



Date

JOHNSON, Anthony
Reg. No. 30077-068
Appeal No. 995057-R1
Page One

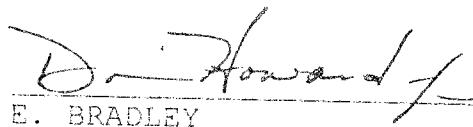
Part B - Response

You appeal the response of the Warden of FCI Schuylkill and contend you are not receiving appropriate medical treatment for a lump on your neck. You claim Medical Staff are not following the General Surgeon's recommendations for additional testing and biopsy.

A review of your appeal reveals the Warden adequately addressed your concerns. According to your Bureau Electronic Medical Record (BEMR), you were evaluated on October 3, 2019, by the General Surgeon for swelling and fullness in the neck. Your physical examination revealed no vein distention or lymphadenopathy. A CT Scan of your neck and chest was recommended, as well as blood work for further evaluation. You were advised to follow up for a possible lymph node biopsy once these tests were performed. You are currently scheduled to see the Clinical Director for a 14-day chronic care clinic. These recommendations will be reviewed and submitted to the Utilization Review Committee for approval if indicated. According to your medical record, you are receiving appropriate medical treatment for your condition. Accordingly, your appeal is denied.

If you are dissatisfied with this response, you may appeal to the General Counsel, Federal Bureau of Prisons. Your appeal must be received in the Administrative Remedy Section, Office of General Counsel, Federal Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534, within 30 calendar days of the date of this response.

Date: January 6, 2020


E. BRADLEY
Acting Regional Director

Administrative Remedy No. 995057-A2

Part B - Response

This is in response to your Central Office Administrative Remedy Appeal wherein you allege a denial of medical care. Specifically, you state being evaluated by a general surgeon, who recommended you receive additional laboratory studies, a CT scan of your neck, and depending on the aforementioned results, potentially a lymph node biopsy. For relief, you request to receive an immediate CT scan of your neck, as requested by the General surgeon.

We have reviewed documentation relevant to your appeal and, based on our findings, concur with the manner in which the Warden and Regional Director responded to your concerns at the time of your Request for Administrative Remedy and subsequent appeal. Our succeeding review of your medical file reveals you received a CT scan of your neck and further laboratory studies on October 3, 2019. Results of these studies were found to be well within normal limits. That same day, you were evaluated by a General surgeon who noted there was no appreciable cervical or supraclavicular lymphadenopathy was noted. Based on this information, there is no evidence to substantiate your claim of being denied appropriate medical care. There is no clinical indication for an additional CT scan and further laboratory studies at this time.

The record reflects you have received medical care and treatment in accordance with evidence based standard of care and within the scope of services of the Federal Bureau of Prisons. You are encouraged to comply with proposed medical treatment so Health Services can continue to provide essential care and to contact medical personnel through routine sick call procedures should your condition change.

Considering the foregoing, your appeal is denied.

4/14/20
Date

I.J.
Ian Connors, Administrator
National Inmate Appeals

(AV)

Johnson, Anthony
Reg. No. 30077-068
Unit 2
Remedy ID #: 995056-F1

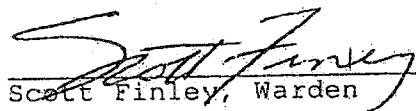
Part B - RESPONSE

This is in response to your Request for Administrative Remedy received on October 25, 2019, in which you claim a staff member used excessive force against you and denied you medical treatment.

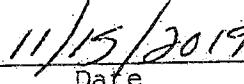
It is the policy of the Bureau of Prisons, and the practice at FCI Schuylkill, to take allegations such as yours seriously, and to investigate these allegations. Therefore, your allegations have been referred to the appropriate office for further review and consideration. However, due to privacy interests of staff, we will not disclose to you the results or final outcome of any investigation conducted in this matter.

Based on the above information, this response is for informational purposes only.

If you are not satisfied with this decision, you may appeal to the Regional Director, Federal Bureau of Prisons, U.S. Customs House, Second and Chestnut Streets, Philadelphia, Pennsylvania, 19106, within 20 calendar days of the date of this response.



Scott Finley, Warden



Date

JOHNSON, Anthony
Reg. No. 30077-068
Appeal No. 995056-R1
Page One

Part B - Response

You appeal the response of the Warden of FCI Schuylkill and allege staff misconduct. Specifically, you claim staff used excessive force, falsified medical records, and violated your constitutional rights. You request your complaint be referred to the FBI or Office of the Inspector General for an investigation.

Your allegations have been referred for review pursuant to Program Statement 3420.11, Standards of Employee Conduct. A thorough review will be conducted; however, the results will not be disclosed to you. You are not entitled to this information. This response is for informational purposes only.

If you are dissatisfied with this response, you may appeal to the General Counsel, Federal Bureau of Prisons. Your appeal must be received in the Administrative Remedy Section, Office of General Counsel, Federal Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534, within 30 calendar days of the date of this response.

Date: December 31, 2019


SCOTT FINLEY
Acting Regional Director

Administrative Remedy No. 995056-A2

Part B - Response

This is in response to your Central Office Administrative Remedy Appeal in which you allege staff misconduct. Specifically, you claim a staff member used excessive force against you. For relief, you request the staff member act in a humane manner towards you and not cause you any additional pain and suffering.

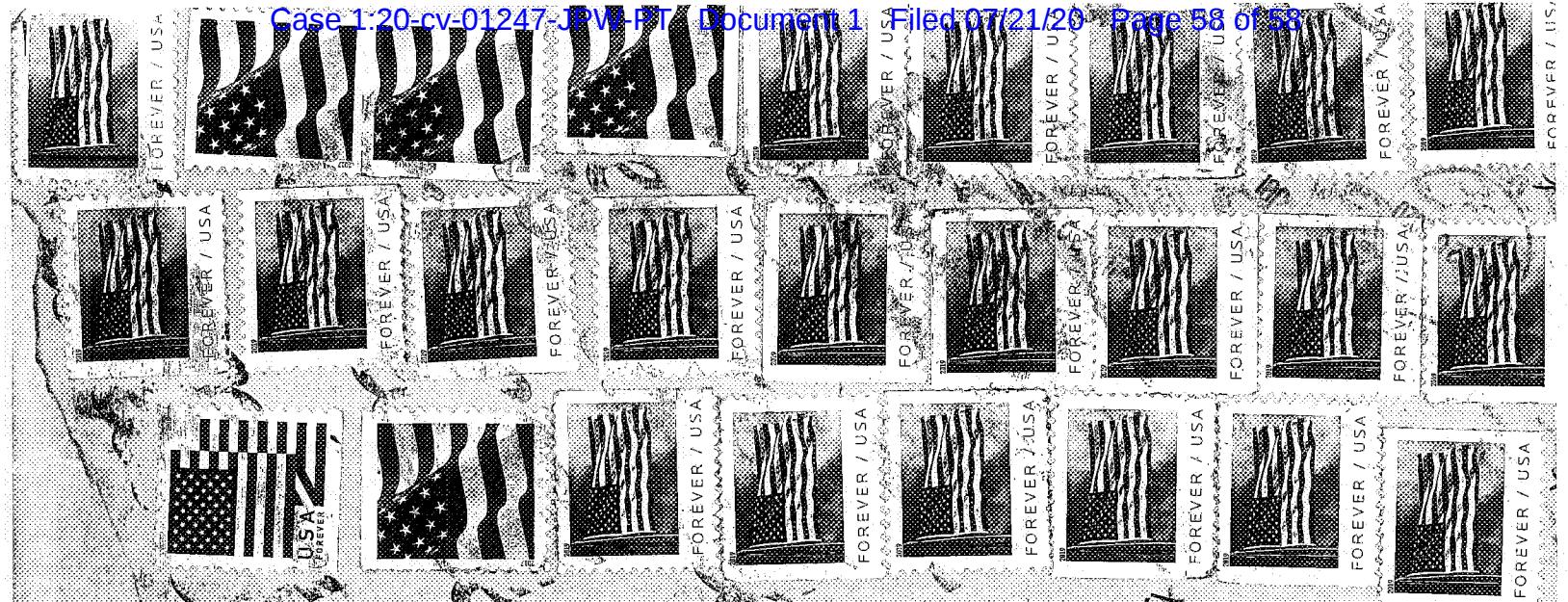
We reviewed documentation relevant to your appeal and, based on the information gathered, concur with the manner in which the Warden and Regional Director addressed your concerns at the time of your Request for Administrative Remedy and subsequent appeal. Staff conduct is governed by Program Statement 3420.11, Standards of Employee Conduct, and the Bureau of Prisons takes seriously any allegation of staff misconduct, such as those you raised in this remedy cycle. We look into matters which may constitute inappropriate conduct and refer them to another component of the Bureau of Prisons for appropriate action. The matter has been forwarded to the appropriate Bureau component for further review.

Additionally, no inmate is entitled to be advised of the results of any inquiry or any action pursued against staff. You should also be aware such reviews may or may not include interviewing you and no inmate is entitled to be apprised of the progress, outcome, or disposition of any review of alleged staff misconduct. Similarly, any action taken against staff, if any are deemed necessary, will not be disclosed to you.

Based on the foregoing, this response is provided for informational purposes only.

7/31/20
Date

Ian Connors, Administrator
National Inmate Appeals



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3X 30
Las Park, FL 33781

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SCRANTON

JUL 21 2020

PER

DEPUTY CLERK

United States District Court
Middle District of Pennsylvania
235 North Washington Ave
PO Box 1148
Scranton, PA 18501